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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,074	11/13/2003	Richard Allen Gill	2002-106-TAP	7921

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EXAMINER

RODRIGUEZ, GLENDA P

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,074	GILL, RICHARD ALLEN	
	Examiner	Art Unit	
	Glenda P. Rodriguez	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaquette et al. (US Patent No. 6, 856, 479 B2) in view of Anderson (US Patent No. 6, 768, 604 B2).

Regarding Claim 1, Jaquette et al. teach a method for writing data in a tape drive, the method comprising:

Allocating a blank area for transpose writing on a magnetic tape (It is inherent that if the medium is writing data, the method found or allocated an area for writing data.);

Writing a first plurality of data sets on the magnetic tape adjacent to the allocated blank area, wherein the tape drive maintains full operating speed during intervals between writing successive data sets, resulting in spaces between the data sets (Col. 5, L. 35-48, wherein Jaquette et al. teaches writing data with DSS and “only occasionally, typically when the buffer is empty, is the tape stopped”, hence the tape operates at full operating speed during intervals between data sets, DSS.);

A single repositioning of the tape and writing a transposed data block to the allocated blank area, wherein the transposed data block contains the same content

as the first plurality of data sets (Col. 7, L. 20-30 and Col. 2, L. 2-9, wherein Jaquette et al. indicated "backhitching" from writing in order to rewrite the data. Also, note in Fig. 3 that the media rewrite the contents, which are found in Elements 50, 51 and 52.).

However, Jaquette et al. does not explicitly teach wherein identifying a data timeout. This limitation is taught by Anderson, wherein in Fig. 2, wherein if an off-track is detected, the medium stops writing (hence a data timeout from writing). It then detects if the error is an off-track error. And if it is an off-track error it proceeds to reposition and re-retries to record the information. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Jaquette et al.'s invention with the teaching of Anderson in order to control off-track error when recording onto a tape.

Apparatus claims 5 and 9 are drawn to the apparatus corresponding to the method of using same as claimed in claim 1. Therefore apparatus claims 5 and 9 correspond to method claim 1, and are rejected for the same reasons of obviousness as used above.

Regarding Claims 3, 7 and 11, the combination of Jaquette et al. and Anderson teach all the limitations of Claim 1 and 5, respectively. The combination further teach wherein the data written on both the first plurality of data sets and the transposed data block is stored on a buffer (See Abstract of Jaquette et al.).

3. Claims 2, 4, 6, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Jaquette et al. and Anderson as applied to claims 1, 5 and 9 above, and further in view of Contreras et al. (US Patent No. 5, 995, 306).

Regarding Claim 2, 6 and 10, the combination of Jaquette et al. and Anderson teach all the limitations of Claims 1 and 5, respectively. However, the combination does not explicitly teach wherein allocating a second blank area for writing data sets. Contreras et al. further teaches this limitation in Col. 4, L. 3-8. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the combination's invention with the teaching of Contreras et al. in order to be able to re-record defective data as taught in the Summary of Contreras et al.

Regarding Claim 4, 8 and 12, the combination of Jaquette et al. and Anderson teach all the limitations of Claims 3, 7 and 11, respectively. However, the combination does not explicitly teach wherein the size of the blank area allocated for transpose writing is determined by the size of the data buffer and a specified data transfer rate. This is taught by Contreras et al. in Col. 38, L. 61-67. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the combination's invention with the teaching of Contreras et al. in order to be able to re-record defective data as taught in the Summary of Contreras et al.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

5. Examiner acknowledges that Applicant has amended Claims 9-12 in order to overcome the previous USC 101 rejection. Hence, this rejection has been withdrawn due to the amendment submitted by the Applicant in the reply submitted on 12/08/06.


Conclusion

Art Unit: 2627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (571) 272-7561. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



gpr

02/07/07.



ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER